APPENDIX.

STATUTES INVOLVED.

1. *Fair Labor Standards Act of 1938* (June 25, 1938, c. 676, secs. 3, 6, 16, 52 Stat. 1060, 1062, 1069; U. S. Code, title 29, secs. 203, 206, 216) provides in part:

SEC. 3. As used in this Act— • • •

(e) "Employee" includes any individual employed by an employer. • • •

(g) "Employ" includes to suffer or permit to work. • • •

SEC. 6. (a) Every employer shall pay to each of his employees who is engaged in commerce or in the production of goods for commerce wages at the following rates—

(1) during the first year from the effective date of this section, not less than 25 cents an hour,

(2) during the next six years from such date, not less than 30 cents an hour. • • •

SEC. 16. (b) Any employer who violates the provisions of section 6 or section 7 of this Act shall be liable to the employee or employees affected in the amount of their unpaid minimum wages, or their unpaid overtime compensation, as the case may be, and in an additional equal amount as liquidated damages. Action to recover such liability may be maintained in any court of competent jurisdiction by any one or more employees for and in behalf of himself or themselves and other employees similarly situated, or such employee or employees may designate an agent or representative to maintain such action for and in behalf of all employees similarly situated. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

2. *Railway Labor Act* (May 20, 1926, c. 347, 44 Stat. 577, 582; as amended June 21, 1934, c. 691, 48 Stat. 1186, 1197; U. S. Code, title 45, secs. 152, 156) provides in part:

> SEC. 2. • • •
>
> Seventh. No carrier, its officers, or agents shall change the rates of pay, rules, or working conditions of its employees, as a class as embodied in agreements except in the manner prescribed in such agreements or in section 6 of this Act. • • •
>
> SEC. 6. Carriers and representatives of the employees shall give at least thirty days' written notice of an intended change in agreements affecting rates of pay, rules, or working conditions, and the time and place for the beginning of conference between the representatives of the parties interested in such intended changes shall be agreed upon within ten days after the receipt of said notice, and said time shall be within the thirty days provided in the notice. In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Mediation Board have been requested by either party, or said Board has proffered its services, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon as required by section 5 of this Act, by the Mediation Board, unless a period of ten days has elapsed after termination of conferences without request for or proffer of the services of the Mediation Board.

3. *Illinois anti-tipping statute* (June 29, 1915, Laws 1915, p. 385; Illinois Revised Statutes, 1943, c. 38, Criminal Code, pars. 551-553) is here set out in full:

> AN ACT prohibiting the leasing or using of any space or portion of places of public accommodation or public resort for the purpose of accepting, demanding or receiving gratuities or donations, commonly called tips, from the public. (Approved June 29, 1915. L. 1915. p. 385.)

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for the owner, proprietor, lessee, superintendent, manager or agent of any hotel, restaurant, eating house, barber shop, theatre, store building, office building, factory, railroad, street railroad, fair ground, baseball or football ground, hall used for public meetings or entertainments, or any other building, office, or space which is a place of public accommodation or public resort, to rent, lease, or permit to be used any part, space or portion thereof, for any trade, calling or occupation, or for the exercise of any privilege, by any person, company, partnership or corporation, for the purpose of accepting, demanding or receiving, directly or indirectly, from the customers, patrons or people who frequent such places of public accommodation or public resort, gratuities or donations, commonly called tips, in addition to the regular, ordinary and published rate of charge for work performed, materials furnished or services rendered, provided, that nothing in this section contained shall be construed to prohibit any employee or servant from accepting or receiving gratuities or donations, commonly called tips, if such gratuities or donations, commonly called tips, are not accounted for, paid over, or delivered, directly or indirectly, in whole or in part, to any person, company, partnership or corporation, but are retained by such employee or servant, as and for his absolute and individual property.

SEC. 2. Any lease, contract, agreement or understanding entered into in violation of the provisions of section 1 of this act shall be absolutely void.

SEC. 3. Any person, company, partnership or corporation, or any officer or agent thereof, violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not exceeding ten thousand dollars for each and every offense, and, in addition thereto such person, officer or agent may, in the discretion of the court, be sentenced to the county jail not less than three months and not more than one year.